

AMENDED IN SENATE SEPTEMBER 2, 2005

AMENDED IN SENATE JUNE 13, 2005

AMENDED IN ASSEMBLY APRIL 18, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 1206

Introduced by Assembly Member Jerome Horton

(Principal coauthor: Senator Bowen)

(Coauthor: Assembly Member Bermudez)

February 22, 2005

An act to ~~add Section 1227 to the Government Code, relating to public employment relations;~~ amend Section 7943 of the Public Utilities Code, relating to telecommunications.

LEGISLATIVE COUNSEL'S DIGEST

AB 1206, as amended, Jerome Horton. ~~Public employment relations; peace officers.~~ Telecommunications: new area codes.

Under existing law, the Public Utilities Commission has regulatory authority over public utilities, including telephone corporations. Existing law places notice and other requirements upon telephone corporations whenever the telephone corporation proposes to establish a new area code. Existing law requires the commission, before approving any new area code, to first perform a telephone utilization study and to implement all reasonable telephone number conservation measures.

Existing law requires the Federal Communications Commission (FCC) to create or designate one or more impartial entities to administer telecommunications numbering and to make numbers available on an equitable basis for telecommunications carriers, as

defined. Existing law provides that the FCC has exclusive jurisdiction over those portions of the North American Numbering Plan that pertain to the United States, but provides that these provisions do not preclude the FCC from delegating to state utility regulatory commissions or other entities all or any portion of the FCC's jurisdiction.

This bill would provide that a telephone utilization study does not comply with the above-described requirements unless it is performed within 18 months of the commission's approval of the area code change and would require that any update of a prior telephone utilization study separately set forth the progress made on each recommendation in the prior telephone utilization study relative to area code conservation measures. The bill would prohibit the commission from approving a new area code if any recommendation for area code conservation measures made in a prior telephone utilization study has not been implemented, except for measures prohibited or requiring action by the FCC. The bill would require that any update of a prior telephone utilization study consider statutory changes and any final or pending changes in the rules, regulations, or decisions of the FCC relative to new area codes and area code conservation measures, occurring since the prior telephone utilization study was completed. The bill would provide that every telephone utilization study or update of a prior telephone utilization study include a full audit of all numbers in the area code that have not been assigned to a customer or subscriber. The bill would provide that these changes are applicable to any pending area code change decisions of the commission, including any final decision of the commission that has not been fully implemented as of January 1, 2006.

~~The Meyers-Milius-Brown Act and the Ralph C. Dills Act, which govern public agency employer-employee relations and state employer-employee relations, respectively, permit a public agency employee representative of a recognized employee organization and a state employee representative of a recognized employee organization reasonable time off without loss of compensation or other benefits when formally meeting and conferring with representatives of the public employer on matters within the scope of representation.~~

~~This bill would, upon the request of a locally recognized employee bargaining unit representing peace officers exclusively, require the employer to administer an employee time bank, as described, to be~~

~~used by members of the employee organization for the purposes of carrying out the business of that employee organization. The bill would provide that members of a recognized employee organization representing peace officers exclusively may contribute vacation time, compensatory leave time, or other hourly time agreed to by the employer and the employee bargaining unit to the employee time bank account for use by employee bargaining unit members for employee bargaining unit business. The bill would specify that all costs associated with the administration of the employee time bank, are to be borne by the employee organization.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 7943 of the Public Utilities Code is
2 amended to read:
3 7943. (a) It is the intent of the Legislature that when the
4 commission has no reasonable alternative other than to create a
5 new area code, that the commission do so in a way that creates
6 the least inconvenience for customers.
7 (b) On or before March 31, 2001, the commission shall request
8 that the Federal Communications Commission grant authority for
9 the commission to order telephone corporations to assign
10 telephone numbers dedicated to wireless and data usage to a
11 separate area code and to permit seven digit dialing within that
12 technology-specific area code and the underlying preexisting area
13 code or codes.
14 (c) Before approving any new area code, the commission shall
15 first perform a telephone utilization study and implement all
16 reasonable telephone number conservation measures. *The*
17 *telephone utilization study does not comply with this requirement*
18 *unless it is performed within 18 months of the commission's*
19 *approval of the area code change. Any update of a prior*
20 *telephone utilization study shall separately set forth the progress*
21 *made on each recommendation in the prior telephone utilization*
22 *study relative to area code conservation measures. Except for*
23 *measures prohibited or requiring action by the Federal*
24 *Communications Commission, if any recommendation for area*
25 *code conservation measures made in a prior telephone utilization*

1 study has not been implemented, approval of a new area code
2 shall not be granted until the measure has been implemented.
3 Any update of a prior telephone utilization study shall consider
4 any statutory changes that became effective since the prior
5 telephone utilization study was completed. Any update of a prior
6 telephone utilization study shall consider any final or pending
7 changes in the rules, regulations, or decisions of the Federal
8 Communications Commission relative to new area codes and
9 area code conservation measures. Every telephone utilization
10 study or update of a prior telephone utilization study shall
11 include a full audit of all numbers in the area code that have not
12 been assigned to a customer or subscriber.

13 (d) If the commission receives the grant of authority set forth
14 in subdivision (b) and determines that further area code relief is
15 needed, the commission shall exercise the authority granted to it
16 in subdivision (b) unless it finds at least one of the following:

17 (1) Exercising the authority granted by subdivision (b) would
18 be more disruptive to the customers where area code relief has
19 been determined to be necessary.

20 (2) Exercising the authority granted by subdivision (b) will not
21 adequately extend the life of the area code where relief has been
22 determined to be necessary.

23 (e) The commission may not implement any authority granted
24 by the Federal Communications Commission pursuant to
25 subdivision (b), in a manner that impairs the ability of a customer
26 to have number portability.

27 *SEC. 2. The amendments made to Section 7943 of the Public*
28 *Utilities Code by this act, shall be applicable to all pending area*
29 *code change decisions of the Public Utilities Commission,*
30 *including any final decision of the commission that has not been*
31 *fully implemented as of January 1, 2006.*

32 ~~SECTION 1. Section 1227 is added to the Government Code,~~
33 ~~to read:~~

34 ~~1227. (a) Upon the request of a locally recognized employee~~
35 ~~bargaining unit representing peace officers exclusively, the~~
36 ~~employer shall administer an employee time bank to be used by~~
37 ~~members of the employee organization for the purposes of~~
38 ~~carrying out the business of that employee organization.~~

39 ~~(b) Employer and employee policies and procedures regarding~~
40 ~~employee leave, shall not be affected by this section.~~

1 ~~(e) All costs associated with the administration of the~~
2 ~~employee time bank, shall be borne by the employee~~
3 ~~organization.~~

4 ~~(d) As used in this section, an employee time bank is an~~
5 ~~account administered by an employer wherein members of a~~
6 ~~recognized employee organization representing peace officers~~
7 ~~exclusively may contribute vacation time, compensatory leave~~
8 ~~time, or other hourly time agreed to by the employer and the~~
9 ~~employee bargaining unit to the account for use by employee~~
10 ~~bargaining unit members for employee bargaining unit business.~~